THE HONOURABLE SRI JUSTICE N.V.RAMANA

WRIT PETITION No. 13504 of 2006

DATED: 26-12-2006

Between:

S.E.Prasad Rao

…Petitioner

and

Andhra Pradesh State Road Transport
Corporation, Hyderabad and others.

…Respondents.

THE HON'BLE SRI JUSTICE N.V.RAMANA

W.P.No. 13504 of 2006

Oral order:

The grievance of the writ petitioner is that he was transferred from Palasa Depot to Srikakulam Depot and again he was re-transferred to Palasa by an order dated 19-6-2006.

Initially this court granted an interim order dated 17-7-2006 which was not implemented. Hence a contempt case in C.C.No.1200 of 2006 was filed.

A detailed counter-affidavit is filed by the respondents, which reads as under:

> "It is submitted that the transfer of the petitioner dated 10-4-2006 was cancelled on seniority basis as per the circular. It is submitted that the petitioner's request for transfer to Srikakulam II depot was considered erroneously under the impression that he is the senior most employee seeking such transfer. Since on verification it is found that he is not the senior most employee, the transfer order issued has been cancelled and the petitioner has been redirected to Palasa depot. It is humbly submitted that the senior most employee who had been actually working outside Srikakulam II depot since 10 years i.e., from 16-2-1996 and who deserves to get transferred to Srikakulam II depot cannot be deprived of such transfer to accommodate the petitioner who had been working since 8 years outside Srikakulam II depot i.e., from 18-8-1998.
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> It is submitted that this Hon'ble Court was pleased to pass interim suspension of the proceedings dated 19-6-2006 until further orders in W.P.M.P.No.16780/2006 in W.P.No.13504/2006 on 17-7-2006. It is submitted that since Srikakulam II depot is in district Head quarters, every employee working in the region would be eagerly waiting for his turn to get transferred to the depots located in district head quarters. The employees who are requesting for transfer to a particular station can be accommodated only

by transferring long standing employees. Sri J.Staya Rao of Palakonda depot who has been working outside district Head quarters since 10 years cannot be sent back to accommodate the petitioner. It is humbly submitted that there are no other Blacksmiths working in District Head quarters who can be transferred on the long standing basis to accommodate the petitioner. Therefore if the petitioner does not report at Palasa depot, there will be no Blacksmith working at Palasa depot."

Now when the matter came up for hearing today, the learned standing counsel has produced service record to show that Sri J.Satya Rao is senior to the petitioner and by taking into consideration the seniority of Sri J.Satya Rao, the respondents have passed the present order.

At this stage, the learned counsel for the petitioner sought the permission of the Court to withdraw the writ petition with liberty to make a representation for re-consideration of his transfer to Srikakulam depot.

Accordingly, the writ petition is dismissed as withdrawn with liberty as prayed for. Consequently, the interim order earlier granted by this court on 17-7-2006 shall automatically stand vacated.

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N.V. RAMANA, J

26th December, 2006

GRR